

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JULIA WHITEHURST,

Plaintiff,

v.

No. 06-2685

UNITED CAPITAL MORTGAGE,
ET AL.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING THE PLAINTIFF'S CLAIMS WITH PREJUDICE

The Plaintiff, Julia Whitehurst, brought this action against the Defendants alleging violations of the Federal Truth in Lending Act, 15 U.S.C. 1601 et seq., the Tennessee Consumer Protection Act, Tenn. Code Ann. §§ 47-18-101 et seq., and other state law claims. Defendants Novastar Mortgage, Inc., and Mortgage Electronic Registration Systems, Inc., filed a motion to dismiss for failure to prosecute on June 25, 2007. Defendant United Capital Mortgage also filed a motion to dismiss for failure to prosecute on August 8, 2007. By Orders entered August 9 and August 10, 2007, these motions were referred to Magistrate Judge Thomas Anderson for a report and recommendation. On November 2, 2007, Judge Anderson issued his report, recommending that both motions be granted and the action be dismissed. The parties had until November 15, 2007, to object to Judge Anderson's report and recommendation. According to the Court's docket, no objections to the magistrate judge's report and recommendation have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

The Court has reviewed the magistrate judge's report and recommendation, and the entire record of the proceeding before the magistrate judge. No objections having been filed, the Court ADOPTS the magistrate judge's report and recommendation. Therefore, the Defendants' motions to dismiss for failure to prosecute are hereby GRANTED and the Plaintiff's claims are DISMISSED with prejudice. The Clerk is directed to enter judgment in accordance with this Order.

IT IS SO ORDERED this 26th day of November, 2007.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE